# NARRATIVE

OF THE

# COURSE OF LEGISLATION

BY THE

## COUNCIL OF THE GOVERNOR GENERAL,

DURING THE OFFICIAL YEAR 1868-69.

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THE following Narrative comprises a summary of the twenty-six Acts passed during the official year 1868-69, by the Council of the Governor General of India for the purpose of making Laws and Regulations. Of these, sixteen are local Acts, of which three—the Oudh Rent Act, the Oudh Taluqdárs' Act and the Panjáb Tenancy Act—are of such importance that they will be here described with exceptional particularity. Only ten extend to the whole of British India, *viz.*, the Acts relating to Lock Hospitals, Exemption from Registration, Justices of the Peace, Divorce, Articles of War, Emigration, Criminal Procedure, Income Tax, Police Superannuation Funds, Customs Duties.

At the end a list is given of pending Bills, showing the stages at which they had severally arrived at the adjournment of the Council on the 19th March 1869. In this list are included all Bills which have not hitherto been formally withdrawn from the cognizance of the Legislative Department.

W. S.

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*Act No. XVII of* 1868 *(An Act to appoint a Commission to enquire into the failure of the Bank of Bombay).*

(Introduced on 24th April 1868, and passed on 20th May 1868).

WHEN this Act was passed, the Bank of Bombay had become unable to pay its debts, and was being wound up voluntarily pursuant to a special resolution passed by the shareholders in general meeting. The Secretary of State for India had directed that an enquiry should be made into the causes of such inability and the circumstances attending it.

The present Act accordingly empowers the Governor General in Council to appoint Commissioners to make the enquiry and confers upon them all needful powers for compelling the attendance of witnesses, &c.

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*Act No. XVIII of* 1868 *(An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes).*

(Introduced on 1st July, and passed on 15th July 1868).

This Act provides for the investment of both the Commissioner and Assistant Commissioner of the Neilgherry Hills with Small Cause jurisdiction. The Local Government intends that one or other of these Officers should be invariably present at Ootacamund for the trial of Small Causes, which form the principal part of the judicial work on the Neilgherries. The Act provides for the Commissioner and the Assistant Commissioner exercising the powers of a Court of Small Causes jointly as well as singly, and that in the exercise of these powers, they shall be subject to such rules as the Local Government shall prescribe. The Commissioner is given a casting voice in cases where he differs from the Assistant Commissioner.

The Local Council was incompetent to pass the Act inasmuch as it affects an Act (No. XI of 1865) of the Governor General in Council, passed since the Indian Councils' Act came into operation.

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*Act No. XIX of* 1868 *(An Act to consolidate and amend the law relating to rent in Oudh).*

(Introduced on 17th July 1867, and passed on 22nd July 1868).

In August 1866 certain arrangements were sanctioned by the Government of India for the settlement of the questions which had long been pending regarding rights of occupancy in Oudh. The nature of those arrangements is described in the correspondence between the Government of India and the Chief Commissioner of Oudh, published in the supplement to the *Gazette of India* of the 1st September 1866. Those arrangements involved the necessity, on the part of the Government, of cancelling all orders, rules, and circulars which were in force in Oudh, recognizing a right of occupancy in non-proprietary cultivators and the revision of the rules regarding the hearing of suits in the Summary Courts. The Taluqdárs of Oudh at the same time consented that certain privileges should be granted to certain classes of their tenants. Legislation was necessary to carry into effect the engagements thus entered into by the Government, and to confirm the concessions made by the Taluqdárs. The opportunity was taken of placing on a better footing the whole of the law regarding the recovery of rent in Oudh. Much difficulty had been experienced in determining what laws were actually in force in respect of the jurisdiction of the Revenue Summary Courts, and there had consequently been a great want of uniformity in the procedure. This had been found to be a serious evil. The practice of the Summary Courts had been loose, uncertain, and dilatory.

Legislation was desirable for another reason. Although the Courts would probably have maintained the validity of the rights of occupancy

and other privileges which the Taluqdárs had consented to grant to certain classes of tenants in their estates, it was doubtful whether similar protection would be afforded to the same classes of tenants in estates not belonging to Taluqdárs.

The Act is divided into nine chapters. The first contains the usual preliminary provisions. The second (sec. 5) declares what tenants shall have a right of occupancy. The section runs as follows:—

"Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Every such tenant, who, within thirty years next before the thirteenth day of February 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August 1866: Provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February 1856: Provided also, that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant."

Chapter II also declares (sec. 7) a tenant's right to a lease, indicates (sec. 8) the rate of rent to be paid by an occupancy tenant, provides for the landlord's right to a counter-part, for the cancelment of leases where the stipulations are not performed and for the deposit of rent in Court without suit. It also provides compensation for illegally enforcing payment of rent, and treats of its abatement and remission where, for example, the area of the land has been diminished by diluvion. Section 21 provides for the relinquishment of his holding by a tenant, and sections 22 to 26 attempt to solve the problem of equitably providing compensation for tenants' improvements. These improvements are defined as follows:—

1*st*. "The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles; and other works of a like nature;

2*nd*. The renewal or re-construction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value."

The compensation may, at the option of the landlord or his representative, be made,

"(1.)—By payment in money;

(2.)—By the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3.)—Partly by payment in money, and partly by the grant of such lease as aforesaid."

Section 26 provides that the tender and acceptance of lease for twenty years and upwards shall bar the lessee's right to compensation.

The third chapter relates to commutation and payment of rent in kind.

Chapter IV relates to the enhancement and fixing rates of rent, first, in the case of tenants with right of occupancy, and, secondly, in the case of tenants not having such right.

In the latter case the rent will be such amount as may be agreed upon between him and the landlord, and in the absence of such agreement the amount payable in the preceding year.

In the case of a tenant having a right of occupancy his rent cannot be enhanced except in pursuance of a decree made on some one of the following grounds :—

1*st.*—That the rate of rent paid by him is below the rate of rent usually paid by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

In this case the Court will enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2*nd.*—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

In this case the Court will enhance his rent to such amount as the plaintiff demands, not exceeding such rate less 12½ per cent.

3*rd.*—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

In this case the Court will decree rent for the land in excess, at rates to be fixed by the first or the second of the Rules contained in this section, as the case may be.

Chapters V and VI contain the law relating to ejectment and distress.

No tenant with a right of occupancy will be ejected otherwise than in execution of a decree for ejectment, and such decree will not be made unless at the date thereof, a decree against the tenant for an arrear has remained unsatisfied for fifteen days. A tenant with a right of occupancy may be ejected, *first*, in execution of a decree for arrears of rent or for ejectment, or, *second*, by notice given by the landlord in manner prescribed by section 43. Sections 44, 45, 46 contain provisions as to cessation of tenancy, assistance to eject and compensation for growing crops.

Chapter VII describes the jurisdiction of the Courts under the Act.

Chapter VIII relates to limitation of suits under the Act, and

Chapter IX contains the necessary provisions as to procedure.

A copious index is added.

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*Act No. XX of* 1868 (*An Act to give validity to the levy of certain Duties in Lucknow*).

(Introduced and passed on 13th August 1868).

The Lucknow Municipal Act (XVIII of 1864), section 13, provided that duties on such things and at such rates as the Chief Commissioner with the sanction of the Governor General in Council from time to time declared should be levied in respect of the said things when brought into the city of Lucknow for consumption or use therein. It

also provided that the Chief Commissioner should lay down rules as to the mode of levying and collecting the duties.

Assuming to act under the authority given by that Act, the Chief Commissioner of Oudh declared that duties on certain things and at certain rates should "for the year 1865-66" be levied in respect of such things when brought into Lucknow for consumption or use therein, and such declaration was, on the ninth day of May 1865, sanctioned by the Governor General of India in Council. Doubts arose as to whether such declaration and sanction remained in force down to the twenty-seventh day of July 1868, and the present Act removes such doubts and indemnifies the officers and farmers who had acted under the said declaration and sanction and the Chief Commissioner's rules from time to time in force as to the mode of levying and collecting the duties.

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*Act No. XXI of* 1868 *(An Act to appoint a Receiver of the property of the late Nawáb of the Carnatic).*

(Introduced on 27th August 1868, and passed on 10th September 1868).

Property belonging to the estate of the late Nawáb of the Carnatic having been discovered both in the District of Madras and in the territories of the Nizám, the present Act empowers the Government of Fort St. George in Council to appoint a Receiver to collect and administer such property and any other property belonging to the said estate which may hereafter be discovered; and contains provisions as to his remuneration and duties, similar to those contained in Act XXX of 1858.

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*Act No. XXII of* 1868 *(An Act to bring the Mauza Kheriah, in the District of Agra, under the operation of the General Regulations).*

(Introduced on 27th August 1868, and passed on 10th September 1868).

In November 1866, the Ráná of Dholpúr transferred to the British Government the Mauza Kheriah. The Board of Revenue, North-Western Provinces, having represented that the Mauza in question was not subject to the general Regulations, the present Act, which was prepared at the request of the Local Government, provides for the annexation of the Mauza to the Agra District, and the extension to it of all Acts and Regulations now in force in that District. The Act took effect retrospectively from the date of the transfer of the Mauza to Government.

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*Act No. XXIII of* 1868 *(An Act to give validity to certain Abkárí Rules in British Burma).*

(Introduced and passed on 24th September 1868).

This Act declares that the Rules for the sale of wine, beer, spirituous and fermented liquors, and intoxicating drugs in British Burma, published in the number of the *British Burma Gazette* dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the 24th September 1868, be deemed to have had

the force of law, and shall continue in force until the Governor General of India in Council by notification in the *Gazette of India* shall otherwise order.

It also indemnifies officers, farmers, and other persons for anything done before the passing of the Act, which might lawfully have been done if it had been in force.

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*Act No. XXIV of* 1868 *(An Act to prohibit the practice of inoculation in Kumaon and Garhwál).*

(Introduced on 15th July, and passed on 1st October 1868).

The object of this Act, which was prepared at the request of the Lieutenant Governor of the North-Western Provinces, is to put a stop to the practice of inoculation in Kumaon and Garhwál, where proper arrangements exist for vaccinating the inhabitants.

The first and principal section of the Act is taken from the English Statute 3 & 4 Vic., cap. 29. Section 2 (which imposes a penalty on an inoculated person entering any place to which the Act extends) is nearly identical with a clause in the Bengal Act IV of 1865, which has greatly checked inoculation in Calcutta and its suburbs.

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*Act No. XXV of* 1868 *(An Act to define the jurisdiction of the Courts in Coorg).*

(Introduced on 6th August, and passed on 8th October 1868).

This Act embodies the details requisite to ensure the efficient working of the courts of Coorg, and is modelled on the Acts recently passed for the administration of civil and criminal justice in the Panjáb, the Central Provinces, and Aden.

The several grades of courts of civil and criminal jurisdiction in Coorg are enumerated in section 2. The Act divides the courts of Súbahdárs and Assistant Superintendents into two classes, and limits their pecuniary jurisdiction in civil cases accordingly. All the Súbahdárs had jurisdiction up to rupees 200, and the Act provides for the maintenance of two classes of courts for these officers, making the pecuniary limit in one class rupees 100, and in the other rupees 300. This enables the Commissioner to restrict the jurisdiction of the less experienced and efficient Taluq Officers in the trial of civil cases, and affords an incentive to Súbahdárs generally to qualify themselves for the exercise of the higher jurisdiction allotted to those of the first class, which is identical with that of the Amildárs in Mysore. Assistant Superintendents are divided into first and second class Assistants.

Sections 3 and 4 empower the Commissioner generally to declare to which grade of court any Súbahdár or Assistant may belong and to invest Párbatiyagárs or Náib Súbahdárs with a limited jurisdiction in civil cases. This obviates the necessity for frequent references being made to the Government of India. A similar provision is contained in sections 5 and 6 of Act No. XIV of 1865, for the Central Provinces.

Sections 5 and 6 define the pecuniary jurisdiction of Súbahdárs in civil cases.

Sections 7 and 8 define the jurisdiction, original and appellate, of the first and second class Assistant Superintendents. The original jurisdiction of the second class is limited to rupees 1,000, and that of the first class to rupees 3,000, the limit of jurisdiction formerly exercised by the Daryáft Kachahrí. As regards the appellate jurisdiction of these courts, the Act gives them, equally with the Superintendent, the power of hearing appeals from decisions of Súbahdárs and Párbatiyagárs. This jurisdiction they will, under sections 7, 8 and 18, exercise within certain territorial limits, which may, from time to time, be assigned to them by the Superintendent with the concurrence of the Commissioner. The Superintendent will also be competent under section 17 to refer appeals to those courts for trial and determination.

In section 9, unlimited original jurisdiction is given to the Superintendent, and also appellate jurisdiction over all courts subordinate to him. As it is not desirable to allow more than one special appeal in civil cases, the Act makes no provision for the Superintendent entertaining special appeals; but as he should be able to supervise effectually the working of the Súbahdárs' courts, provision has been made for his hearing regular appeals from the decisions of Súbahdárs and Párbatiyagárs, as well as from those of the Assistant Superintendents.

Section 10 gives appellate and special appellate jurisdiction in civil cases to the Judicial Commissioner. As a general rule, appeals from the decisions of Súbahdárs and Párbatiyagárs will lie to the Assistant Superintendent or Superintendent, and special appeals to this court. Likewise appeals from the decisions of Assistant Superintendents in civil cases will lie to the Superintendent, and special appeals to this court. In cases decided by the Superintendent, the appeals will lie directly to the Judicial Commissioner.

Section 11 prescribes the form in which memoranda of appeals are to be prepared, and the time within which such appeals are to be preferred. Although the Act makes no special provision for the introduction of the Code of Civil Procedure into Coorg, it has, under the authority of the Government of India, been taken as an authoritative guide by the courts in Coorg, as well as in Mysore, in matters in which its provisions are not contrary to existing rules; and although, among a primitive race like the Coorgs, it is not desirable to enforce rigidly the technical provisions of the Code, it seems expedient to provide that appeals should be prepared in the form prescribed therein. In other sections the Act simply refers to the rules of procedure in force. The "rules for the guidance of Amildárs in civil suits" have been made equally applicable to the Súbahdárs in Coorg; and having been found to work well, it seems inexpedient that the procedure of these courts should be rendered more difficult and precise by the extension of Act No. VIII of 1859 in its entirety.

By section 12 extraordinary original jurisdiction has been assigned to the Judicial Commissioner's court, in conformity with the precedent found in Act No. XVIII of 1867, to enable it to take up cases of large amounts in which the Superintendent may be personally interested, or where, for other sufficient reasons, such course may be necessary to promote the ends of justice.

Section 13 empowers the Judicial Commissioner to frame rules of practice for the guidance of the civil courts, and to exercise a general supervision over them.

In section 14, provision is made for the Local Government (which in the case of Coorg, is the Governor General in Council) investing any person with the powers of Superintendent or Assistant Superintendent.

Sections 19 and 20 respectively empower the Superintendent and Judicial Commissioner to transfer suits from one court to another.

With regard to criminal jurisdiction, section 21 provides that Súbahdárs and Assistant Superintendents shall severally exercise such magisterial functions as may, from time to time, be conferred on them by the Local Government under section 23 of the Code of Criminal Procedure.

The following section 22 provides for the Local Government investing any Párbatiyagárs or Náib Súbahdárs with powers of a subordinate magistrate of the second class.

Section 23 defines the criminal powers of the Superintendent, which are to be those of magistrate of the district. The concluding clause of this section renders it compulsory that the Superintendent should also be invested with the enhanced powers described in Act No. XV of 1862.

Section 24 provides for the Superintendent of Ashtagram exercising sessional jurisdiction with regard to cases committed to him by the magistrates in Coorg, and directs that such cases shall be tried by him in Coorg, in accordance with the practice hitherto observed. This and the following section have been modelled on sections 12 and 18 of Act No. X of 1863 *(An Act to improve the administration of civil and criminal justice in the District of Darjeeling)*.

Section 25 prescribes that all criminal proceedings shall be regulated by the Code of Criminal Procedure.

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*Act No. XXVI of* 1868 *(An Act to enable Municipalities to provide for Lock-Hospitals)*.

(Introduced on 22nd July, and passed on 15th October 1868).

The object of this Act is to enable Municipalities to contribute towards the expenses attending the introduction of the Indian Contagious Diseases Act. Those expenses are so considerable that the Government of India may be unable, unless aided out of local resources, to introduce that Act into many places where its provisions are urgently required. The present Act is merely an enabling measure, and the amount of the contribution will from time to time be determined by agreement between the Local Government and the Municipality concerned.

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*Act No. XXVII of* 1868 *(An Act to exempt certain Instruments from the Indian Registration Act,* 1866).

(Introduced on 15th July, and passed on 19th October 1868).

This Act expressly exempts from compulsory registration under the Indian Registration Act, 1866, certain documents executed by or in favour of Government.

They are as follows:—

Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement, of land-revenue, and which form part of the records of such settlement.

Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land, or of any interest in land, in reward for special services.

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*Act No. XXVIII of* 1868 *(An Act to define and amend the law relating to the tenancy of land in the Panjáb).*

(Introduced on 17th January, and passed on 21st October 1868).

The object of this Act is to define and amend the law relating to certain matters connected with the tenancy of land in the Panjáb. It is divided into seven chapters.

The preliminary chapter, section 2, provides that nothing in the Act shall affect the operation of any agreement between a landlord and tenant; when such agreement is in writing or recorded in a regular settlement sanctioned by Government, and that all entries in such record respecting matters comprised in Chapters III, IV, V and VI shall, when attested by the proper officer, be deemed to be agreements within the meaning of the section.

Chapter II.—as to rights of occupancy—specifies (section 5) four classes of tenants who shall be deemed to have a right of occupancy:—

1*st*.—Tenants who and whose ancestors for at least two generations have paid nothing in respect of their lands, except the land revenue and village cesses for the time being chargeable thereon:

2*nd*.—Tenants who have involuntarily parted with their proprietary rights in land otherwise than by forfeiture, but who continue to occupy such land from the time of such parting:

3*rd*.—Tenants representing persons who settled along with the founders as cultivators in the villages in which the lands occupied by such tenants are situate; and

4*th*.—Tenants who are or have been jágírdárs of the villages in which the land occupied by such tenants are situate, and who have continuously occupied such lands for not less than twenty years.

Section 6 provides that a fifth class, *i. e.* tenants whose names appear in a settlement-record as having a right of occupancy in land which they, or the persons from whom they have immediately inherited, have continuously occupied from the entry of their names, or the names of such persons in the record, shall be deemed to have a right of occupancy, unless (*a*) within the thirty years next before instituting a suit relating to the right other tenants of the same class in the same or in adjacent,

villages have ordinarily been ejected at the landlord's will, or unless (*Z*) they have admitted before an officer making or revising a settlement, or authorized to attest the entries in the record, that they do not possess such right, and such admission has then been recorded.

No tenant will acquire a right of occupancy by mere lapse of time, and no right of occupancy in the common lands belonging to a pattídárí village community will be acquired under this chapter.

CHAPTER III.—Of Rent. Section 10 provides, as regards enhancement, that no tenant shall, in the absence of an agreement or decree to the contrary, be held liable, in a suit for arrears of rent, to pay rent exceeding that payable by him for the previous agricultural year, unless a decree for enhancement has been made. The grounds on which the Court may decree enhancement are specified in section 11, and resemble those contained in the Oudh Rent Act. The third ground, however, is that the rate of rent paid by the tenant, if he belongs to the first class, is more than 50 per cent.; if he belongs to the second, third, or fourth class, more than 30 per cent., and if he belongs to the fifth class, more than 15 per cent. below the rate usually paid in the neighbourhood by tenants of the same class not having a right of occupancy for land of a similar description and with similar advantages.

The provisions as to abatement in case of diminution of area or decrease of productive powers resemble those contained in the Oudh Act.

With regard to remission of rent, if the tenant hold a lease for an unexpired term of five years or upwards, or have a right of occupancy in a revenue-paying estate, the Courts will allow no such remission, unless where a remission of revenue has been allowed in respect of the same estate.

No commutation, whether of rent in kind into rent in money, or rent in money into rent in kind, will take place without the consent of both landlord and tenant.

CHAPTER IV.—of Ejectment—provides that a decree ejecting a tenant with a right of occupancy may be made not only in cases where there is an unsatisfied decree against him for arrears of rent, but also when the landlord tenders him compensation not less than fifteen and not more than thirty times the amount of his net annual profits on an average of the previous three years. But this does not apply to a tenant belonging to any of the classes specified in section 5, or to a tenant when he or the person from whom he has inherited has continuously occupied such land for thirty years or upwards.

Tenants without a right of occupancy may be ejected, 1st, if a decree has been obtained against them for arrears of rent or for ejectment, 2nd, by notice from the landlord. Such notice will only be given when the tenant is not holding under an unexpired lease, or an agreement or a decree.

The provisions of the Act, as to giving notice of ejectment, obtaining assistance to eject, cessation of tenancy and right to the value of growing crops resemble those contained on those subjects in sections 43 to 46 of the Oudh Rent Act.

CHAPTER V relates to Relinquishment, Leases and Underleases, Alienation and Succession. As regards the liability of a tenant relinquishing his land, section 28 provides that he shall be liable to

pay the rent for the ensuing agricultural year unless on or before the previous 1st January he gives notice of his intention to relinquish the land before the commencement of that year, and relinquishes it accordingly, or unless the landlord lets the land to some other person. And seeing the great differences in climate which exist in the Panjáb, the Lieutenant Governor is enabled (section 29) to declare for any District under his government when the agricultural year shall, for the purposes of section 28, be deemed to begin. Section 30 relieves tenants who relinquish their land according to notice from liability to pay rent, and provides a procedure in case the landlord refuses to receive their notices.

Every tenant with a right of occupancy is declared to be entitled to let or under-let the land in his occupation. In the case of such tenants, section 32 saves agreements not to let or sub-let, and section 33 declares the liability towards the landlord of the incoming lessee or under-lessee.

As to the right to alienate, section 34 provides that any tenant with a right of occupancy claimable under section 5 may alienate, with or without his landlord's consent, the landlord, however, having a right or pre-emption at the market-value. But other tenants will only be able to alienate with their landlord's previous consent.

Following a recent ruling of the Chief Court of the Panjáb, section 36 provides that a tenant's right of occupancy in land shall devolve on his male lineal descendants, and failing them, on his male collateral relatives descended from an ancestor who shall have occupied the land, such descendants and relatives being residents in the village in which the land is situate.

CHAPTER VI.—Compensation for Tenants' Improvements.—The sections relating to this subject correspond generally with those contained in the Oudh Rent Act, sections 22-26.

CHAPTER VII.—Procedure. Suits respecting rights of occupancy under sections 5 and 6, enhancement (section 11), abatement (section 14), ejectment (sections 19, 20) and cessation of tenancy (section 25) will be heard in the Civil Courts. Applications for arbitrators in cases of dispute as to division or appraisement of produce taken for rent (section 17), for service of notices of ejectment (section 23), for assistance to eject (section 26), and for service of notices on landlords refusing to receive the tenants' notices of intention to relinquish (section 31), will be treated as proceedings on the revenue side. Orders on such applications will be appealable to the Financial Commissioner.

Lastly, the Act contains a section (45) confirming the proceedings of officers in making or revising settlements so far as such proceedings are consistent with the Act, and subject to appeal or revision when an appeal or revision is provided.

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*Act No. I of* 1869 *(An Act to define the rights of Taluqdárs and others in certain estates in Oudh, and to regulate the succession thereto).*

(Introduced on 31st July 1867, and passed on 12th January 1869).

The object of this Act is to give the force of law to the arrangements made with the Taluqdárs of Oudh by the Government of Lord Canning. In respect of the more important principles involved, the provisions of the Act correspond with those of a Bill introduced, with a similar object,

by Lord Canning shortly before he left India in 1862, but which was not afterwards proceeded with.

The rights of the Taluqdárs in the estates referred to in this Act are derived entirely from grants made by the British Government. The nature of these rights is described in the orders of the Governor General of India issued on the 10th October and 19th October 1859, and in the sanads or grants made, in accordance with those orders, to the Taluqdárs. Those orders, in all essential respects, received from the Indian Councils' Act the force of law, but there were matters of much importance for which these orders did not sufficiently provide, and regarding which there was danger of future discussion and litigation. It was therefore thought desirable to remove by legislation all doubts upon this subject, and to define clearly the rights which the Taluqdárs actually possess in their estates.

Section 3 is intended to give the force of law to every thing contained in the sanads of the Taluqdárs, and in the orders under which those sanads were issued.

Section 4 removes doubts regarding the legal position of those persons whose estates were especially exempted from confiscation by the proclamation issued by the Governor General in 1858.

Section 5 places on the same footing as Taluqdárs, the persons on whom estates were bestowed by the British Government in reward for loyal service rendered during the mutiny.

In accordance with the agreement of the Taluqdárs which led to the passing of Act XIII of 1866, section 6 declares that redemption-suits shall not be barred by the Act, or by their sanads or by the orders of the 10th and 19th October 1859, in two cases, 1st, where the mortgage-deed was executed on or after the 13th February 1844, and fixed no term within which the property might be redeemed, and, 2nd, where the deed fixed such a term, but the term did not expire before the date of the annexation of Oudh.

Section 7 provides to some extent for the devolution as heirlooms of certain articles of moveable property.

Sections 8 to 10 contain rules as to the preparation and publication of lists of the Taluqdárs and grantees to whom the Act applies.

Sections 11 to 13 define the powers of Taluqdárs and grantees to transfer their estates *inter vivos* and to make bequests.

Many of the Taluqdárs considered, and Sir Charles Wingfield, the late Chief Commissioner, held the same opinion, that an unlimited power of disposing of landed property would lead to the breaking up of those family estates which it was the object of the Government to preserve, and they considered that restrictions ought to be put upon this power, similar to those which would have been applicable under the Hindú or Muhammadan law. To meet these objections, without setting aside the conditions to which Lord Canning thought it necessary to adhere, section 13 provides that if a Taluqdár desire to transfer by gift, or to bequeath the estate granted to him by the British Government, or any portion of it, to any person not being either the legal heir, or the person who would have been the legal heir if this Act had not been passed, he can only do so by an instrument of gift or by a will executed not less than twelve months before his death, and publicly registered. Similar provisions are made

in cases in which a Taluqdár desires to transfer his estate, or any portion of it, to religious or charitable uses.

Sections 14 and 15 relate to the rights and powers of transferees and legatees. When a transfer or bequest is made to another Taluqdár or to the heir of the transferor, the transferee or legatee will hold the property with the same rights and powers, and subject to the same rules as the transferor or testator. But when the transferee or legatee is not a Taluqdár or grantee, nor in the line of succession, the property will be held as if he had bought it from a person not being a Taluqdár or grantee. All transfers (section 16) are to be in writing signed and attested, and in the case of gifts the Act requires delivery of possession and registration of the instrument.

Sections 19 and 20 relate to testamentary succession, and the former makes some forty sections of the Indian Succession Act applicable to the wills of Taluqdárs.

Section 20 enacts that bequests exceeding 2,000 rupees to religious or charitable uses must be made by will executed not less than three months before the testator's death and registered within one month of its execution.

After the grants above referred to had been made, orders were issued by the Governor General to the effect that succession to the estates of intestate Taluqdárs should, in certain cases, be regulated by the rule of primogeniture. These orders received from the Indian Councils' Act the force of law; but they contained nothing regarding the manner in which this new rule of succession was to be actually applied; the general principle was affirmed, and that was all.

The rules which the Act contains for regulating succession in cases of intestacy, follow, with no essential difference, those contained in the Bill introduced by Lord Canning in 1862.

The Act introduces into the line of persons taking on intestacy the son of a daughter of the deceased, where such son has been treated by the deceased in all respects as his own son, and draws a distinction between widows belonging and those not belonging to the same *ahl-i-brádarí* as the intestate. It also gives priority to relatives who are *najíb-ul-tarfain*. And it empowers Muhammadan Taluqdárs to adopt, for the purposes of the Act, as if they were Hindús.

The Act also provides for charging the estates subject thereto with annuities by way of maintenance to certain specified relatives of the intestate. And it declares that the awards providing for certain relatives of Taluqdárs which had been made in some cases shall have the force of decrees, if approved by the Financial Commissioner of Oudh and filed in his Court within six months after the Act was passed.

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### *Act No. II of* 1869 *(An Act for the appointment of Justices of the Peace).*

(Introduced on 6th August 1868, and passed on 12th February 1869).

This Act consolidates and amends the law relating to the appointment of Justices of the Peace which had been previously scattered through four Acts of Parliament and three Acts of the Indian Legislature. It

gets rid of the cumbrous machinery of commissions and of the provisions relating to sealing, supersession and renewal by which they were accompanied. It substitutes a simple power to appoint Justices of the Peace by notification in the *Gazette*. It contains clauses prescribing their necessary qualifications, regulating their declarations and subscriptions, defining their powers, and providing for their suspension and dismissal.

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*Act No. III of* 1869 *(An Act for the maintenance of the Rural Police in the North-Western Provinces).*

(Introduced on 21st December 1868, and passed on 19th February 1869).

When the Rural Police Act (Act II of 1865) was enacted, the provisions in force in respect of Khálsá estates were made applicable under section 8 to Muáfí and Nazráná villages.

Those provisions were, first, a house assessment under that Act, and second, the 'municipal cess,' which is a percentage on the jama fixed at the settlement in discharge of the obligations of the proprietors for the entertainment of the village police.

At the time that Act was passed, the municipal cess was fixed at 2¾ per cent. of the jama. But this was found to be inadequate for the payment of an efficient village constabulary. It was in consequence raised, under the orders of the late Lieutenant Governor, to 3½ on the assets, or 7¾ on the jama, which amount was found to be sufficient for the purpose, but not more.

As, however, the former amount, according to the original rule, *viz.*, 2¾ per cent. on the jama, was entered in that Act as leviable from Muáfí estates, the Collector was unable to assess such properties at a higher rate. But it was obvious that whatever burdens for police purposes are borne by Khálsá villages, should equally be borne by Múafí villages, that is, that they should contribute in precisely the same proportion.

The Local Government accordingly proposed that, for section eight of the Rural Police Act, a section be substituted, which will be found in section 12 of the present Act.

The Rural Police Act having already been once amended, namely, by Act II of 1866, it was thought desirable to repeal and re-enact those measures instead of adding a third Act to the two in which the law on the subject is now contained.

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*Act No. IV of* 1869 *(An Act to amend the law relating to Divorce and Matrimonial Causes in India).*

(Introduced on 21st January 1863, and passed on 26th February 1869).

This Act extends to India the principal provisions of the English Divorce Act (20 & 21 Vic., c. 85) as amended by 22 & 23 Vic., c. 61, 23 & 24 Vic., c. 144, and 29 Vic., c. 32.

It is divided into fourteen parts, I. Preliminary, II. Jurisdiction, III. Dissolution of Marriage, IV. Nullity of Marriage, V. Judicial Separation, VI. Protection-orders, VII. Restitution of conjugal rights, VIII. Damages and Costs, IX. Alimony, X. Settlements, XI. Custody of

children, XII. Procedure, XIII. Re-marriage, XIV. Miscellaneous. It embodies a large number of rulings by the late Sir Cresswell Cresswell and the present Judge Ordinary.

It applies not only to the High Courts, but to the principal Civil Courts in the Mofussil. In Burma the 'District Judge' will be one of the Recorders. In the other Non-Regulation Provinces except Sind, he will be the Commissioner of a Division, in Sind he will be the Commissioner, and in places beyond the limits of British India (for Christian subjects in which the Governor General in Council has now power to legislate), he will be such officer as the Governor General in Council shall appoint. In such places and in the Non-Regulation Provinces other than Burma, 'High Court' is defined as the High Court or Chief Court to whose original criminal jurisdiction the petitioner is subject, or would be subject if he were an European British subject. A reference to the notification for the time being issued under Act 28 Vic., c. 15, will thus at once indicate the High Court intended. In Burma, 'High Court' will of course be the High Court at Fort William.

Some doubt prevails as to the extent to which English Courts will recognize Indian divorces or decrees of nullity in cases where the parties have been married in England, or have not a permanent Indian domicile. The recent case of *Shaw* v. *Gould*, and particularly Lord Colonsay's judgment in that case, were closely considered by the framers of this Act, and in this respect its operation is limited to cases where the petitioner resides in India at the time of presenting the petition. No Indian Court is empowered to make decrees of dissolution of marriage except in the following cases:—(*a*) where the marriage shall have been solemnized in India; or, (*b*), where the adultery, rape or unnatural crime complained of shall have been committed in India; or, (*c*), where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion. And lastly, no Indian Court can make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

The Act defines, in accordance with English decisions, 'bigamy with adultery' and 'desertion.' It also provides that no adultery shall be deemed to have been 'condoned,' unless where conjugal cohabitation has actually been resumed or continued, and thus precludes the doubt which exists in England as to whether condonation can be constituted by words only.

Section 10 provides that a wife may obtain a divorce when, subsequently to the marriage, the husband has changed his religion and taken another wife, in which case, when the new religion permits a plurality of wives, the High Court of Madras has lately held that he does not commit bigamy within the meaning of the Penal Code.

Section 11 specifies, in accordance with recent English cases, the grounds on which a petitioner for a divorce on account of adultery may be excused from making the adulterer a co-respondent.

Section 17 provides that any person suspecting collusion during the progress of the suit in the District Court, may apply to the High Court to remove the suit and try it as a Court of original jurisdiction. The High Court will then, if it think fit, remove and try the case, or

direct the District Judge to take the steps necessary to enable him to make a proper decree.

Section 17 provides that a decree of dissolution by a District Judge shall be subject to confirmation by the High Court.

Section 19 specifies the grounds on which a decree of nullity of marriage may be pronounced by all Courts, and saves the present jurisdiction of the High Courts to pronounce such decrees on the ground that the consent of either party was obtained by force or fraud.

Decrees of nullity of marriage made by a District Judge are subject (section 20) to confirmation by the High Court.

Section 21 contains a provision, taken from the New York Civil Code, that the children of a marriage annulled on the ground that the former husband or wife was living, shall be entitled to succeed, as if they were legitimate, to the estate of the parent competent to contract the marriage.

Under the Indian Succession Act, section 4, in the case of a marriage celebrated since the 1st January 1866, the husband acquires no interest in his wife's property. Section 27 therefore confines the power of granting a protection-order to cases in which the fourth section of that Act does not apply to the wife.

Section 33 provides that nothing shall be pleaded in answer to a petition for restitution of conjugal rights which would not be ground for a suit for judicial separation, and that grounds for a decree of nullity may be pleaded in answer to a petition for restitution.

Section 35 provides, in accordance with English decisions, that the co-respondent shall not be ordered to pay the petitioner's costs (1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or, (2), if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman. The Court is empowered to order litigious intervenors to pay the costs occasioned by the intervention.

Section 32 empowers the Court to grant alimony *pendente lite* whether the wife has or has not obtained a protection-order, and provides that such alimony shall, in case of a decree for divorce or of nullity, continue payable until the decree is made absolute or is confirmed. Such alimony will not exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order.

The Act limits the powers of making orders as to the custody of children of Native fathers to cases of boys under the age of sixteen, and girls under the age of thirteen years. These ages have been fixed with reference to the Indian Marriage Act (V of 1865), section 48. In other cases, the children must be under eighteen years and unmarried. Here the age has been fixed with reference to the definition of 'minor' contained in the Indian Succession Act.

Section 47 provides that petitions under the Act (other than petitions for alimony, custody of children and protection-orders) shall bear a stamp of five rupees; that petitions for a dissolution, a decree of nullity, or a judicial separation, shall (like the verifying affidavits in England) state the absence of collusion, and that the statements contained in every petition shall be verified like plaints.

Sections 48, 49 contain provisions as to suits on behalf of lunatics and suits by minors, and require in the latter case, the next friend to

render himself liable to pay the respondent's costs. The Code of Civil Procedure, which will regulate generally the proceedings under the Act, has no provision in this respect.

Section 51 provides that any party to a suit under the Act may offer himself or herself as a witness and shall be cross-examined and may be re-examined like any other witness.

Section 53 empowers the Court to close the doors during the whole or any part of the proceedings. The absence of a similar power in England has justly been regretted.

Under section 54 the Courts may adjourn, from time to time, the hearing of any petition under the Act.

The Indian Legislature has no power to limit the term within which the Privy Council may receive appeals: the Act therefore (sec. 57) adds to the clause permitting re-marriage on expiry of six months after a decree for dissolution, a proviso that no appeal shall have gone to England.

To the Act are added a schedule of forms of the proceedings most likely to be needed in matrimonial cases, and a copious index. Nothing in the index will have the force of law.

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*Act No. V of* 1869 *(An Act to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces).*

(Introduced on 4th November 1868, and passed on 26th February 1869).

Previous to the passing of this Act, the bulk of the Articles of War for the government of the Native Army was to be found in Act No. XXIX of 1861. That Act had been amended twice, namely by Act No. V of 1863 and Act No. XXVI of 1865. Some further changes being required, it was thought preferable to embody them in an Act consolidating the law on the subject than to add a fourth to the three enactments in which that law was contained.

The Articles contained in the former Acts have been arranged under six titles—

1. Enlistment, Dismissal and Discharge.
2. Military offences.
3. Jurisdiction, and herein of the different kinds of Courts Martial and the procedure before them.
4. Powers of officers independently of trial.
5. Non-military offences.
6. Effects of deceased men and deserters.

The principal changes which the present Act makes are the following :—

*Article* 1.—The word 'person' has been substituted for 'recruit.'

*Article* 2 provides that, in addition to the persons mentioned in the present Article 167, warrant officers, buglers, musicians, private soldiers, lascars, syces, and grass-cutters shall be attested according to the regulations of the Presidency to which they belong.

*Article* 4.—The provisions as to dismissal of non-commissioned officers and soldiers contained in the present Article 3 (Act V of 1863, sec. 2), are extended to all persons subject to the Articles.

The provisions as to crimes and punishments contained in the present Articles 5 to 69 are extended to all persons subject to the Articles. Many verbal changes have been made in chapter II, with the view of introducing greater precision into the descriptions of the crimes therein mentioned. The wording of the Indian Penal Code has generally here been followed.

The provision in Article 25 as to behaviour unbecoming to an officer, has been extended to Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, and Warrant Officers.

*Article* 26 extends to any person, subject to the Articles, several provisions previously applicable only to officers, non-commissioned officers or soldiers.

*Article* 40 renders it penal to strike any subordinate attested under the Articles.

*Article* 47 renders it penal to make away with tools, instruments and equipments.

*Article* 48.—The crime of attempting to commit suicide has been removed from the category of disgraceful conduct, and rendered more severely punishable.

*Article* 54 extends to any person subject to the Articles, the provisions as to embezzlement formerly only applicable to officers and soldiers.

*Article* 56 makes a similar extension as to disgraceful conduct, the provisions respecting which apply only to soldiers.

*Articles* 60 and 61 extend the provisions as to theft to thefts of Government property, and render penal the receipt or retention of stolen property.

*Article* 62 provides a penalty for obtaining pensions by making false entries.

*Article* 63 makes it penal to omit, or refuse, to make returns or reports.

*Article* 65 provides against attempts to commit a cruel, indecent or unnatural offence.

In *Article* 67—as to witnesses before Courts Martial,—the Act provides against the offences of prevarication and refusal to produce documents.

*Article* 71 provides punishments for abetting within the meaning of the Penal Code the offences specified in the preceding Articles. For convenience of reference, the two sections of the Code defining abetment are reprinted in an appendix to the Act.

*Articles* 72 to 94 specify the eight kinds of Courts Martial, mentioning, in the case of each kind of court, the authority empowered to appoint it, its composition and its powers.

*Article* 113 provides for re-swearing the officers of the courts and witnesses in case of several trials.

*Article* 116 provides that on trials for desertion, the accused may be found guilty either of desertion or of absence without leave.

*Article* 140 provides for a second sentence of transportation on an offender already sentenced to transportation for a limited term.

*Article* 152 extends to the Officer Commanding any force not attached to a presidency, the power to fix the place of imprisonment of

any offender, which the Article 88 of the former Act conferred on the Commander-in-Chief of a Presidency.

*Article* 155 provides for striking off the strength of a Regiment a person convicted by a non-military Criminal Court.

*Article* 160 extends expressly the power of pardoning persons convicted of military offences to the Governor General of India in Council, the Commander-in-Chief in India, and the Local Governments of Bengal, Madras and Bombay.

*Article* 164 empowers the Commanders-in-Chief of Bengal, Madras, and Bombay, and the Officer Commanding any force not attached to a Presidency to reduce Non-Commissioned Officers to the ranks.

Act XXVI of 1865 gives power to prescribe minor punishments only in cases of Non-Commissioned Officers and soldiers. *Article* 165 proposes to authorise the exercise of this power in the cases of all persons subject to the Articles, except Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors and Warrant Officers. Good conduct pay may be forfeited in addition to any other minor punishment, but will not necessarily be forfeited on the infliction of the minor punishment. It will cease whenever a soldier is convicted by a Court Martial.

*Article* 166 provides a punishment for offences committed by camp-followers in camp or at any frontier post, at which troops are stationed, to which the Article may be specially extended.

*Article* 172 provides that General Courts Martial shall be held for the trial of non-military offences, which shall on the conviction of the offender award punishment in accordance with the provisions of the Indian Penal Code.

Sentences of death, where the offender is not attached to any Presidency, must be confirmed (*Article* 174) by the Commander-in-Chief in India.

In Part III are contained sundry miscellaneous provisions, the most important of which is a clause providing (*a*) that no attested person shall be arrested for debt, and (*b*), that no soldier's arms, horse or regimental necessaries shall be liable to be seized in satisfaction of a judgment.

Provision is made in Part III, clause (*d*), for the capture of deserters, and the civil, political, and police authorities are empowered to prevent p rsons suspected to be subject to the Articles from travelling unless on duty or furnished with a proper certificate.

Civil Officers are required by Part III, clause (*e*), to aid in the apprehension of persons accused of military offences.

Lastly, power is given to the Governor General in Council to make rules consistent with the Act for the guidance of officers in matters connected with its enforcement.

A copious index is added.

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*Act No. VI of* 1869 *(An Act to amend the law relating to the Emigration of Native Labourers).*

(Introduced on 27th August 1868, and passed on 5th March 1869).

The object of this Act, which was prepared at the desire of the Lieutenant Governor of Bengal, is to make, in the law relating to the emigration

of coolies, some small amendments, which had been found desirable since Act No. XIII of 1864 came into operation.

The probable length of the voyage from Madras to Mauritius and Réunion between the months of November and March, was fixed at five weeks by section eight of that Act. This time had been found too short, and the present Act extends it to six weeks.

The British Consular Agent at each of the French ports in India is empowered to license recruiters of emigrants.

Section 3 provides for refunding the fees paid by recruiters on proof of the desertion of emigrants *before embarkation*, not, as in the present law, 'before reaching the depôt.'

The Local Government is empowered to permit, in cases of emergency, emigrants for any place west of the Cape to leave Calcutta between the thirty-first of July and the first of April.

Section 47 of Act XIII requires that the space to be provided for each adult emigrant shall be ten superficial feet on deck. The present Act increases this space to twelve superficial feet.

No compartment in an emigrant ship will take more than one child between the ages of two and ten years for every eight superficial feet on deck.

Section 64 of Act XIII empowers the Governor General in Council to prohibit, in certain specified cases, the emigration of coolies. To these cases the present Act adds that of a dangerous outbreak of infectious disease in the place to which emigration is permitted. With a view to greater promptitude of action in cases of emergency, the Act extends the power of prohibition to Local Governments; but provides that any notification by a Local Government prohibiting emigration, may be cancelled by the Governor General in Council.

The Local Government is also authorized to permit, in cases of emergency, vessels carrying emigrants to leave Calcutta, though the proportion of women on board is not in accordance with rule.

The phrase "Magistrate of the District" is defined to mean any officer in such district exercising the full powers of a Magistrate.

The Act authorizes the Governor General in Council to increase, within certain limits, the fees payable under Act XIII of 1864, for licensing depôts, recruiters, and emigrants.

Lastly, the sections of Act XIII of 1864 which relate to the mustering by customs' officers and pilots of the crew and passengers in emigrant ships, and to the declarations to be made after such musters, are repealed.

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*Act No. VII of* 1869 *(An Act to give validity to certain Rules relating to Forests in British Burma).*

(Introduced on 26th February, and passed on 12th March 1869).

The Act validates certain rules relating to forests in British Burma which purported to be made under Act No. VII of 1865, but which had no force under that Act, inasmuch as they affected foreign timber floated down the rivers of British Burma.

*Act No. VIII of* 1869 *(An Act further to amend the Code of Criminal Procedure).*

(Introduced on 3rd April 1868, and passed on 12th March 1869).

Since the Code was passed numerous suggestions for its amendment had been received by the Executive Government. Those papers were referred to the Legislative Department, which prepared a Bill consolidating and amending the four Acts in which the law on the subject was contained. The Bill was published, sent home and referred to the Indian Law Commissioners; and the result was that the Secretary of State sent out a despatch expressing the wish of the Home Government that the subject of the general amendment of the Code should be left to the Commissioners, and that at present the Council of the Governor General should confine itself to amending the provisions of the Code without touching on any question involving matters of principle.

Only the more important of the changes made by the present Act can here be noticed.

Section 23A enables the Local Government to delegate to officers under it the power of appointing Magistrates and Subordinate Magistrates. This will materially assist the administration of justice in the country. Every appointment of a Magistrate, however small his jurisdiction, was formerly made by the Government and published in the Government Gazette. The power of delegating that authority to officers, such as Commissioners and other high officers, will admit of such appointments being made expeditiously and relieve the Gazettes of notifications.

Section 36 of the Code has been altered so as to authorize the Magistrate of a District to transfer cases not only under trial but also under enquiry by his subordinates.

Section 40 A provides that no Subordinate Magistrate not being a Justice of the Peace, shall issue a warrant for the arrest of a British subject charged with an offence triable by a High Court, unless he is empowered under section 38. This removes the anomaly of a Subordinate Magistrate having greater power as regards the arrest of an European, than he has as regards a Native.

Section 49 A empowers the Inspector General of jails to authorize the removal of a prisoner from one jail to another.

Section 61 allows a fine imposed on the offender to be levied on any property of his wherever it may be found. By the section as it stood in the Code, the levying of the fine by distress and sale of property was limited to property within the jurisdiction of the Court passing sentence. It often happened that an offender had made away with his property and removed it to a different district: the power of levying the fine by distress of such property is now given to the Court by which the offender was sentenced.

Section 75 as amended will enable the Court, in cases when the person summoned is in the service of Government or of a Railway Company, to send the summons to the head of the office in which he is employed.

By section 114 as interpreted by more than one High Court, search-warrants could not be issued unless the officer issuing the warrant specified exactly the property for which search was to be made. That was an

inconvenient restriction; it was often necessary, in the event of a crime being committed, to search the neighbouring houses for the purpose of tracing anything that might lead to the discovery of the offender. The amended section therefore admits of the exercise of that power when the Court considers that the enquiry would be furthered by the inspection of any house or place.

Section 127 extends the power of issuing search-warrants in cases of counterfeit coin, &c., to all officers having the full powers of a Magistrate.

Sections 130 to 132C relate to the proceedings to be taken when property seized by the Police is brought before the Court. The law had been interpreted in different ways in different parts of India, and there was considerable doubt as to what should be done with property brought before a Court, and regarding which an offence appeared to have been committed. Amendments have been made which admit of the Criminal Courts passing any order which they think right for the disposal of such property.

Under section 161 as revised a corpse may be sent to the nearest medical officer who shall have been authorised by Government to make examinations in cases of unnatural or sudden death.

Section 173, as amended, gives Civil Courts magisterial powers when enquiring into certain cases with a view to commitment.

Section 185, as it stood before, provided for the property of an offender absconding and forfeited under section 184 being restored, if within two years after the attachment the offender surrendered himself and proved that he did not abscond for the purpose of avoiding justice. There was no provision for the restoration of the property in the cases of the offender being apprehended or not being brought to trial. It was quite possible that after property was forfeited it might be found that the offence was not committed, and for many other reasons it might be undesirable to bring the person to trial. The revised section is so worded that property may be restored to the offender if he appears or is found within two years after its attachment, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice.

In sections 209, 210, and 211 amendments have been made in the law relating to the tender of pardon to an accomplice, with the view to his becoming Queen's evidence. Pardon may now be tendered by any Magistrate authorized to take up a case triable by the Court of Session, and the Court of Session is empowered, during the progress of a trial, to tender a pardon, instead of being obliged, as formerly, to refer the accused person to the Magistrate for such purpose. The procedure before the Court of Session will be simplified by this change.

Section 276.—By the law as it previously stood, great inconvenience was experienced from the direction that, when a Subordinate Magistrate found during a trial that he had not jurisdiction, he must refer the matter to the Magistrate of the District. The Magistrate of the District might at the time be at a great distance from the Magistrate trying

the case, and there might be some other competent Magistrate close at hand. Power has therefore been given to a Magistrate trying a case in which he finds he has no jurisdiction, to refer the case to the Magistrate of the District, or to such other Magistrate as the Magistrate of the District may direct.

In section 322 a discretionary power has been given to the Local Government, at the time that it directs trial in any district to be by jury, to direct that the jurors in such trials shall be sworn.

In section 395 an amendment has been made with the object of securing the more frequent examination of criminal lunatics. Previously such persons were only required to be examined once in every twelve months. The present Act will require the examination to be made every three months. It is obviously undesirable that a man restored to sanity should remain for twelve months in a lunatic asylum before an examination into his case is made.

In sections 413 and 415 alterations have been made which will admit of appeals being preferred after the period of thirty days hitherto prescribed.

Section 413 has been made applicable to criminal and revenue as well as to Civil Courts.

By section 422 as it stood, it was held by one of the High Courts that it was competent to the Appellate Court to enhance, in certain cases, the sentence appealed against. That power was not intended to be given by the framers of the Code. Words have therefore been added to prevent such enhancement in future.

There is another alteration in the same section. Its language was vague as to the attendance of the appellant at the further enquiry required by the Appellate Court. It might be inconvenient to take the appellant from the jail in which he was confined, to a distant part of the district where the further enquiry was to take place; and it might also, in the opinion of the Appellate Court, be unnecessary that this should be done. The Appellate Court is therefore empowered to direct that the appellant shall be present, and the Magistrate is left the option of having the appellant present or not, even if the Appellate Court does not direct it.

Under section 440, as amended, Criminal Courts will be bound to give on application a copy of the reasons for their sentence or order as well as the sentence or order itself.

The schedule embodies (with one exception) the amendments made by Acts XXIII of 1861 and VIII of 1666.

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*Act No. IX of* 1869 *(An Act for imposing duties on Income and Profits arising from Offices, Property, Professions and Trades).*

(Introduced on 6th, and passed on 18th March 1869).

The general procedure and plan of this Act is that of the License-Tax Act of 1867, and the Certificate Tax Act of 1868 modified to adapt it to a pure Income Tax.

The exemptions allowed by the Acts of 1867 and 1868 have been for the most part swept away; the only exception being the pay and allowances of Military men not in Civil employ whose pay and allow-

ances do not exceed Rs. 500 per mensem, and property dedicated to religious and charitable public uses.

A general power of exemption is also reserved to the Government of India as before; but it is not intended to exercise it, except in favour of tribes whom it may be desirable to exempt on political grounds, or of classes who already pay any special imperial tax of the nature of an Income Tax. Military, Non-Commissioned, and Warrant Officers in Civil employ, the Officers and men of the Police Force, Assistant Chaplains, and such persons will not be exempted from the tax imposed by the Act.

The minimum limit of salaries liable to the Certificate Tax of 1868 was Rs. 1,000 per annum; under the Income Tax Act, the minimum limit will be the same as that of other profits, *viz.*, Rs. 500 a year. The tax upon salaries, annuities and pensions being precisely computable without any returns, will be levied as under the Acts of 1867 and 1868 at exactly one per cent. As a compensation for this precision, the existing procedure is preserved, by which the tax upon such incomes is recovered by monthly deductions. The scope of this part of the Act has been enlarged so as to include annuities and pensions, and so as to take in the servants of municipal and other public bodies and associations. It is not intended that persons should be exempt from the Income Tax whose incomes arise in British India, merely because their lives are spent chiefly or even entirely on boardship.

Upon Companies, as upon servants, the tax is to be levied at an exact percentage. The precise profits made in India by most of such Companies can be ascertained and returned without much trouble. In order to reduce this trouble to a minimum, it is intended to assess the profits of Companies as ascertained by their latest completed accounts, instead of requiring the preparation of special accounts for the purposes of the Act.

The principle upon which Shipping Companies will be taxed is to reckon half the profits of a voyage between India and a foreign port as accruing in India.

The profits of shareholders in Companies taxed under Part III will not be taxed under Part IV.

The schedule, in accordance with which the duties will be levied under this Part, is intended to preserve the principle of rough assessment without returns, while avoiding the sacrifice of revenue involved in the broad classification heretofore adopted.

Under Rs. 1,000, the Collector, under the Act, will have to estimate incomes within a margin of Rs. 250. From Rs. 1,000 and under Rs. 2,000 the margin is Rs. 500; from Rs. 2,000 but under Rs. 10,000, the margin is Rs. 1,000; from Rs. 10,000, but under Rs. 1,00,000, the margin is Rs. 2,500; and from 1,00,000 upwards the margin for estimate is Rs. 10,000.

The tax levied is one per cent. upon the minimum income estimated, with an addition, to cover broken sums, of two-fifths of the difference between the minimum and the maximum. The exact mean is not taken, because it is presumed that more incomes will fall below the exact mean than above it.

Thus a person whose income is estimated to be between Rs. 500 and 750 will pay one per cent. upon Rs. 600.

A person whose income is estimated to be between Rs. 6,000 and 7,000 will pay upon Rs. 6,400.

A person whose income is estimated to be between Rs. 15,000 and 17,500 will pay upon Rs. 16,000.

A person whose income is estimated to be between Rs. 1,10,000 and Rs. 1,20,000 will pay upon Rs. 1,14,000; and so on.

Although no provision is made for the formal return of any information to the Collector in the first instance, it is expected that persons liable to the duty will assist him by disclosing such facts as he may require to know to enable him to make his assessment, thereby avoiding the annoyance of the over-assessment, which is likely to result if information be withheld.

The procedure under Part IV differs slightly from that adopted under the Acts of 1867 and 1868.

The lists and certificates required by these Acts are abandoned, and a notice will be served on each person showing the duty to which he is assessed. Should he object to the assessment, he will be allowed to petition the Collector without the preliminary payment of the amount heretofore required. It is only when a person wishes to appeal from the final decision of the Collector to the Commissioner, that payment of the amount assessed will be insisted upon as a condition precedent.

The Collector may enhance the assessment made on any objector, in case it be discovered in the course of the enquiries following upon his objection, that the original assessment was too low. This will tend to prevent unfounded objections.

A person not paying either within the time limited in the notice served upon him, or after the disposal of any objection that he may make, will be liable to be summoned before a Magistrate without further notice, and the Magistrate will, as heretofore, have no option but to fine him in double the amount assessed upon him.

Provision has been made to enable a Collector to supplement an assessment deficient by reason of his being in ignorance of any particular source of income or profits.

Penalties are provided by which the proper officers of Companies, &c., can be forced to deliver the returns required. Power is given to the Commissioner of the Division to remit the penalty in part or entirely.

The year of assessment under the Acts of 1867 and 1868 commenced on the 1st May. This was found inconvenient; the Income Tax year will therefore coincide with the ordinary Financial year, and commence on the 1st April. Provision is made in the present Act for the deduction from duty payable under it of any tax paid for April 1869 under Act IX of 1868.

No discount will be allowed to persons paying at once a sum which they might have paid, if they preferred it, as a second instalment. There is no sufficient advantage to the Exchequer from such pre-payments to compensate for the trouble caused by accounting for discount.

The form of Schedule B has been amended, so as to make it absolutely clear that though the last complete year's income of a tax-payer is

to be an important *primâ facie* guide to the Assessor, it is not to be an absolute standard. Either the assessor or the assessee may show cause why it should not be followed.

No duty is imposed on the interest paid upon the public debt to persons not residing in British India, or upon annuities or allowances paid to persons so situate.

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*Act No. X of* 1869 *(An Act to abolish the Police Superannuation Funds).*

(Introduced on 6th, and passed on 18th March 1869).

Superannuation Funds, composed chiefly of stoppages from pay, had been formed in the three presidencies for the purpose of providing pensions for the Police. But owing to the uncertainty which prevailed respecting the financial condition of these Funds, the pension-rules for some Police forces were not uniform: for others they had not been established; and wherever they existed it was impossible, owing to the absence of trustworthy statistics, to affirm that the existing rates of subscription were sufficient to provide any definite scale of pension.

The existence of the Funds, moreover, caused dissatisfaction to the persons intended to benefit by them; they involved the keeping of many complicated accounts; and they afforded no relief to the general revenues, as the gross pay of the Police had to be raised to enable the men to afford their monthly stoppages. Practically, too, the Police did not look to the Funds as the security for their pensions, but to the Government by which those Funds were managed and by which the scale of pensions was settled.

Under these circumstances, the present Act abolishes the Police Superannuation Funds and transfers to Government the sums now at their credit. Pensions to the classes which had subscribed to the Funds will be paid from the general revenues, and the gross pay of the lower grades of Police will be revised.

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*Act No. XI of* 1869 *(An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort Saint George and Bombay).*

(Introduced on 6th, and passed on 18th March 1869).

Much doubt prevailed in the Presidency of Bombay, and, probably, also in the Presidency of Madras, as to the rates at which customs duties could be levied on goods imported or exported by sea into foreign states when crossing our inland frontiers. And the object of this Act is to place, so far as regards those Presidencies, the levy of land customs on the same footing as the levy of customs on goods exported or imported by sea.

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*Act No. XII of* 1869 *(An Act to amend the law relating to Customs Duties).*

(Introduced on 6th, and passed on 18th March 1869).

Act XVII of 1867 (The Indian Customs Duties' Act) fixed in many instances the value of the articles on which *ad valorem* duties were assessed.

This having been found to lead to inconvenient results in practice, the present Act empowers the Government of India from time to time to fix, for the purposes of that Act, the value of dutiable goods.

A Gazette of India Extraordinary, dated the 19th March 1869, contains schedules of dutiable articles revised under the powers conferred by this Act.

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*Act No. XIII of* 1869 *(An Act further to amend the Criminal Procedure of the High Court of Judicature for the North-Western Provinces).*

(Introduced on 4th November 1868, and passed on 19th March 1869).

As the law stood, when an European British subject and a Native were jointly charged with an offence, and committed for trial to the High Court for the North-Western Provinces, they must be tried separately, and in each trial a different procedure was followed—the European being tried in exercise of the Court's ordinary, while the Native was tried in exercise of its extraordinary, criminal jurisdiction.

This state of things having been found to cause practical inconvenience, the present Act was passed at the desire of the Local Government. It simply enacts that such persons so charged may be tried together and by the same procedure, but gives the Native the option of refusing to be tried by a jury, the majority of which are Europeans or Americans.

The opportunity has been taken of enabling the Judges of the High Court for the North-Western Provinces, when exercising original criminal jurisdiction, to record the evidence in the same manner as the Judges of the other High Courts record it in criminal cases.

A section empowers the Court to award costs when any petition, application, or motion comes before it in the exercise of any of its jurisdictions; another imposes a penalty for making false statements in support of petitions, &c., when the Court has required such statements to be verified in writing.

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*Act No. XIV of* 1869 *(An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay).*

(Introduced on 5th February, and passed on 19th March 1869).

The object of this Act is to consolidate the present obscure and scattered law relating to Civil Courts in the Bombay Presidency, and to make certain amendments therein.

As the jurisdiction of the Bombay High Court over existing Courts is affected by its provisions, it could not be passed by the local Legislative Council.

It extends only to the territories other than Sind under the government of the Governor of Bombay in Council in which the Code of Civil Procedure is in force. The Local Government is empowered to alter the limits of the existing zilas, to create new Districts and to fix the position of Sadr Stations. In each District there will be a District Court (section 5) the Judge of which will ordinarily hold his

Court at the Sadr Station, but may, with the previous sanction of the High Court, hold it elsewhere. His appellate jurisdiction and his power to control and inspect subordinate Courts are provided for. The Local Government may with the previous sanction of the Governor General in Council appoint in any District a Joint Judge who will be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he will not keep a file of civil suits, and will transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

The Local Government may also transfer Joint Judges from one district to another.

The Local Government may appoint Assistants to the District Judge. The Assistant Judge's Court will ordinarily be at the place where the District Judge's Court is held, but he may hold his Court elsewhere within the District whenever the District Judge with the previous sanction of the High Court directs him to do so. The Assistant Judge's original jurisdiction extends to Rs. 10,000 in cases referred to him by the District Judge. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal will lie to the District Judge or to the High Court, according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

The Local Government may also empower any Assistant Judge to try such appeals from the decrees and orders of the Subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

The Local Government may also invest any Assistant Judge with all or any of the powers of a District Judge within a particular part of a district: the jurisdiction of an Assistant Judge so invested will *pro tanto* exclude the jurisdiction of the District Judge from within the said limits. Every Assistant Judge so invested will ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

In each district there will be so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct. The Judges of such subordinate Courts will be appointed by the Governor of Bombay in Council, and be called Subordinate Judges. No person will be appointed a Subordinate Judge unless he be a subject of the Queen, who has practised five years as an Advocate of a High Court in India or as a Vakíl in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay. The tests so prescribed by the High Court will be notified in the Government Gazette.

The Subordinate Judges will hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more

than one such place is appointed, the District Judge will, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge will cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one subordinate Court; and in such cases the District Judge will, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

The Subordinate Judges will be of two classes.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction in which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision will be direct to the High Court.

The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of subordinate Courts as may be referred to him by the Judge of the District.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class will have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

The Act provides for the suspension and removal of Subordinate Judges, for the supply of temporary vacancies in the offices of District and Subordinate Judges, and for the delegation of the powers of a District Judge. It also contains the rules as to the appointment and duties of a Ministerial Officer of the Court and empowers the Local Government to appoint Clerks of the Courts.

Lastly, in a miscellaneous Part, the Act contains clauses as to the record of the proceedings of the Civil Courts, as to fees for process, as to the sittings of the Courts, and as to vacation.

*LIST of Business before the Council of the Governor General for the purpose of making Laws and Regulations, on the 19th March* 1869.

## Part 1.

BILLS WHICH HAVE BEEN INTRODUCED.

| | TITLE OF BILL | DATE OF INTRODUCTION. | REMARKS. |
|---|---|---|---|
| 1 | For securing certain grants of immoveable property made by the State | Introduced by Sir B. Frere on 29th January 1862, and referred to a Select Committee now consisting of Mr. Maine. | Analogous to English Acts passed in cases of Dukes of Marlborough and Wellington. The N. W. Provinces desire legislation to secure, against the claims of creditors, grants made in reward of public services. |
| 2 | For consolidating and amending the laws relating to the Procedure of the Courts of Civil Judicature in British India | Introduced on 11th November 1864 and referred to a Select Committee now consisting of Mr. Maine. | Republished on 28th April 1865. To stand over. Secretary of State for India would amend Act VIII of 1859 as occasion requires, and defer consolidation. |

| | | | |
|---|---|---|---|
| 3 | To amend Act No. XVIII of 1854 (relating to Railways in India) ... | Introduced on 12th January 1866, and referred to a Select Committee now consisting of His Honour the Lieutenant Governor, Mr. Maine and Major General Sir H. M. Durand. | Republished on 2nd November 1867. Mr. Taylor in charge. |
| 4 | To consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea ... | Introduced on 14th December 1866, and referred to a Select Committee now consisting of Messrs. Maine, Cockerell and Shaw Stewart. | Republished on 16th March 1867. Mr. Shaw Stewart in charge. To stand over till the Secretary of State has consulted with Board of Trade. |
| 5 | To define and amend the law relating to Contracts, Sale of Moveables, Indemnity and Guarantee, Bailment, Agency and Partnership ... | Introduced on 6th December 1867, and referred to a Select Committee now consisting of His Excellency the Commander-in-Chief, Mr. Maine, Major General Sir H. M. Durand, Mr. Strachey, Sir R. Temple, and Messrs. Cockerell and Shaw Stewart. | Mr Maine in charge. This accompanies the second Report of the Indian Law Commissioners.<br>Preliminary Report presented 11th April 1868. |
| 6 | To define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques ... | Introduced on 6th December 1867, and referred to a Select Committee now consisting of His Excellency the Commander-in-Chief, Mr. Maine, Major General Sir H. M. Durand, Mr. Strachey, Sir R. Temple, and Messrs. Cockerell and Shaw Stewart. | Mr. Maine in charge. This accompanies the third Report of the Indian Law Commissioners. |

**Part 1.**—*Continued.*

| | Title of Bill. | Date of Introduction. | Remarks. |
|---|---|---|---|
| 7 | For the suppression of Frauds in the Cotton Trade ... | Introduced on 20th December 1867, and referred to a Select Committee now consisting of His Excellency the Commander-in-Chief, Messrs. Maine and Strachey, Sir R. Temple, and Messrs. Cockerell and Shaw Stewart. | Republished on 25th January 1868. Mr. Shaw Stewart in charge. |
| 8 | To provide against European Vagrancy ... | Introduced on 30th July 1868 ... | Published on 1st August 1868. Mr. Maine in charge. |
| 9 | To legalize marriages between certain Natives of India not professing the Christian Religion ... | Introduced on 10th September 1868, and on 27th November 1868 referred to a Select Committee consisting of Messrs. Maine and Cockerell, Sir George Couper, Mahárájá Sir Dig-Bijay Singh and Messrs. Gordon Forbes and Shaw Stewart. | Published on 12th September 1868. Mr. Maine in charge. Referred to Local Governments for opinion. |
| 10 | To define and amend the Law of Evidence. | Introduced on 28th October 1868, and on 4th December 1868 referred to a Select Committee consisting of Messrs. Maine and Cockerell, Sir George Couper, and Messrs. Gordon Forbes and Shaw Stewart. | Published on 31st October 1868. Mr. Maine in charge. This accompanies the fifth Report of the Indian Law Commissioners. |

| | | | |
|---|---|---|---|
| 11 | For imposing Stamp Duties on certain instruments ... | Introduced on 28th October 1868, and on 11th December 1868 referred to a Select Committee consisting of Mr. Maine, Sir R. Temple, and Messrs. Cockerell, Gordon Forbes, Cowie, Shaw Stewart and Bullen. | Republished on 12th March 1869. Mr. Cockerell in charge. |
| 12 | To facilitate the improvement of land in the North-Western Provinces ... | Introduced on 28th October 1868, and on 4th January 1869 referred to a Select Committee consisting of His Excellency the Commander-in-Chief, Messrs. Maine and Strachey, Sir R. Temple, Mr. Cockerell, Rájá Shiorâj Singh, Sir George Couper, Mahárájá Sir Dig-Bijay Singh, and Messrs. Gordon Forbes and Shaw Stewart. | Published on 31st October .1868. Mr. Strachey in charge. |
| 13 | To provide facilities for obtaining the evidence of prisoners, and for service of process upon them ... | Introduced on 11th January 1869, and referred to a Select Committee consisting of Messrs. Maine, Strachey and Cockerell, Sir George Couper, and Messrs. Gordon Forbes and Shaw Stewart. | Mr. Cockerell in charge. |
| 14 | For imposing a transshipment fee on Opium | Introduced on 6th March 1869, and on 11th March 1869 referred to a Select Committee consisting of Mr. Maine, Sir R. Temple, and Messrs. Cowie, Shaw Stewart and Bullen. | Sir R. Temple in charge. |

## Part 1.—*Continued.*

| | Title of Bill. | Date of Introduction. | Remarks. |
|---|---|---|---|
| 15 | To consolidate and amend the law for the acquisition of land needed for works of public utility ... | Introduced on 19th March 1869 ... | Published on 20th March 1869. Mr. Strachey in charge. No Committee named. |

## Part 2.

BILLS PUBLISHED BY ORDER OF THE GOVERNOR GENERAL UNDER RULE 19, BUT NOT YET INTRODUCED.

| | Title of Bill. | Date of Publication. | Remarks. |
|---|---|---|---|
| 16 | To make better provision for the administration of Criminal Justice in connection with Railways constructed in Native States ... | 26th September 1864 ... | Mr. Maine in charge. |
| 17 | To constitute Courts for the relief of Insolvent Debtors in the Towns of Rangoon, Maulmain and Akyab in British Burmah ... | 25th November 1865 ... | Awaits enactment of an Act of Parliament on the subject of Insolvency, with power of extension to all maritime ports in India. |

## Part 3.

BILLS IN PREPARATION, BUT NOT YET PUBLISHED OR INTRODUCED.

| | Title of Bill. | Remarks. |
|---|---|---|
| 18 | For establishing a Court of Session for the trial of offences committed in the Towns and Ports of Calcutta, Madras and Bombay ... | Bill drafted. |
| 19 | To provide for the administration of justice in Territory ceded to Her Majesty for the construction and maintenance of Railways, or for other purposes ... | Ditto. |
| 20 | To repeal Regulation IV of 1808 (for the appointment and administration of the office of Kánúngo in the ceded and conquered Provinces, and in the Province of Benares) ... | Ditto. |
| 21 | To make provision for the enforcement of the right of copyright of authors in India in works of the Fine Arts, and for preventing frauds in the production and sale of such works ... | Ditto. |
| 22 | To provide for the registration of Trade-marks ... | Nothing done. |

**Part 3.**—*Continued*

| | Title of Bill. | Remarks. |
|---|---|---|
| 23 | To amend Act No. X of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal) and Act No. XIV of 1863 . . | Act X of 1859 has already been amended by Acts LIII of 1860 and XIV of 1863. A Bill endorsed by Sir W. Muir has been printed. |
| 24 | To regulate the wills of Hindús and Buddhists in the Presidency Towns . . | Bill drafted. Approved by Secretary of State. |
| 25 | To extend the jurisdiction and amend the practice of the Small Cause Courts in the Presidency Towns ... | Bill drafted by Assistant Secretary to Government of Bengal, Legislative Department. |
| 26 | To provide for the punishment of offences committed by Railway employés and other British subjects in allied States. | Nothing done. |
| 27 | To provide further for the punishment of offences committed by European British subjects in the Mofussil .. | Nothing done. To stand over. |
| 28 | To authorize the transfer of Europeans and Eurasians under arrest for debt, or pending a criminal charge, from a district in which there is no fitting jail accommodation ... | Nothing done. Proceedings, Home Department, 25th August 1863. |

| | | |
|---|---|---|
| 29 | To empower Police Magistrates in the Presidency Towns to inflict severer sentences in the case of hardened offenders ... | Stands over until receipt of communication promised by Secretary of State in his Despatch No. 2, Legislative, dated 24th January 1863. |
| 30 | To constitute a Bench of Honorary Magistrates and Civil Judges for the City of Lucknow ... | Draft Bill forwarded by late Chief Commissioner of Oudh. |
| 31 | To amend the Abkárí Act (No. XXI of 1856), section 41, clause 1 ... | Nothing done. The proposed amendment consists in permitting the surrender of a license by giving *one month's* notice and paying a fine not exceeding the license fee for six months. Several other amendments of the Act are proposed by the North-Western Provinces. |
| 32 | To provide a permanent Sheriff for the Towns of Calcutta, Madras and Bombay | In type. |
| 33 | To define and amend the law relating to Treasure Trove ... | Nothing done. |
| 34 | To provide for uniformity in weights ... | Ditto. Referred to Secretary of State. |
| 35 | To provide for the compulsory registration of partnerships ... | Nothing done. |
| 36 | To transfer to the Government of India certain funds belonging to the Courts of Small Causes in the Presidency Towns | In type. |

## Part 3.—*Continued.*

| | Title of Bill. | Remarks. |
|---|---|---|
| 37 | To amend Act No. VII of 1865 (to give effect to rules for the management and preservation of Government Forests) ... | Bill drawn by the Inspector General of Forests. |
| 38 | To amend the law relating to Military Cantonments ... | Bill drawn by Colonel Lumsden and Mr. Ricketts. |
| 39 | To withdraw suits relating to land in the Bhután Doars from the appellate jurisdiction of the High Court at Fort William ... | Nothing done. |

WHITLEY STOKES,
*Secy. to the Council of the Governor General for making Laws and Regulations.*

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